

1 BRIAN M. McINTYRE, Cochise County Attorney
2 BY: LORI ANN ZUCCO, Chief Criminal Deputy
3 Arizona State Bar No. 017572
4 P.O. Drawer CA
5 Bisbee, Arizona 85603
6 (520) 432-8700
7 ATTYME@COCHISE.AZ.GOV

FILED
2019 JAN 18 AM 11:12

AMY J HUNLEY
CLERK OF SUPERIOR COURT
BY
DEPUTY

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF COCHISE

STATE OF ARIZONA

Plaintiff,

vs.

ELIZABETH DURAZO,

Defendant.

) Case No. **CR201500268**

)
) JUDGE BANNON
) DIVISION VI

)
) **RESPONSE TO MOTION TO**
) **MODIFY CONDITIONS OF**
) **RELEASE**

14 The State of Arizona, through the Cochise County Attorney, Brian M. McIntyre,
15 Cochise County Attorney, and Lori A. Zucco, his Chief Criminal Deputy, hereby responds to
16 the Defendant's Motions to Modify Conditions of Release as follows.

17 Pursuant to Rule 7.2.c.1.A Ariz.R.Cr.P., after a defendant is convicted of an offense for
18 which the defendant will, in all reasonable probability, receive a sentence of imprisonment, the
19 court may not release the defendant on bail or on the defendant's own recognizance unless the
20 court finds that reasonable grounds exist to believe the conviction may be set aside or the
21 parties stipulate otherwise and the court approves the stipulation.

22 Defendant was released overnight in this case on October 15, 2018 for the purpose of
23 attending her intake with a residential treatment program in Douglas. Defendant smuggled
24 heroin into the jail and was selling it to other inmates, prompting defendant's new charges in
25 CR201800958 (Exhibit 1). At the time of her release APO was supporting IPS with residential
26 treatment. Since she was indicted on the new charges of smuggling heroin into the jail, the
27 State and APO now support revocation in this case as part of a global plea agreement with the
28 new charges and a stipulated prison sentence. Therefore, in all reasonable probability

1 Defendant will be sentenced to prison on this case, and the State does not stipulate to her
2 release at this time.

3 Defendant was previously afforded the opportunity to be released for treatment and she
4 responded to that opportunity by smuggling heroin into the jail and selling it to other inmates.
5 For these reasons, the State is adamantly opposed to any modification of Defendant's release
6 conditions.

7 RESPECTFULLY SUBMITTED this 18th day of January, 2019.

8 COCHISE COUNTY ATTORNEY

9
10 By: 

LORI ANN ZUCCO
Deputy County Attorney

11
12 Copy of the foregoing
13 mailed/delivered/faxed
14 this 18th day of January, 2019,
15 to:

16 The Honorable Terry Bannon
17 Division VI
18 Bisbee, Arizona 85603
19 Via Courthouse Distribution Box

20 Chris Scileppi, Esq.
21 Attorney for the Defendant
22
23
24
25
26
27
28



EXHIBIT 1



COCHISE COUNTY SHERIFF'S OFFICE

Probable Cause Statement

TO: Cochise County Attorney's Office, Drug Unit
Judge Ambrose, ~~JP~~ JP/

FROM: Detective Guy Hudson 0914

DATE: 10/19/2018

SUSPECT NAME/DOB:

Elizabeth DURAZO DOB 10/09/1989

DR # 18-36784

Deputy's Statement of Probable Cause

On 10/19/2018, I received information that Elizabeth Durazo had heroin inside the Cochise County Jail. I contacted Cmdr Bradshaw and advised him so that the jail staff could start to take necessary action. At approximately 1415 hours, I received a phone call from Cmdr Bradshaw that they did find contraband on Durazo's person.

I responded to the jail and met with Lt Monge. Lt Monge provided me with a plastic trashbag that contained a bra. Det Reibschied was present at this time as well. I removed a plastic baggie from a void in the bra. Inside this baggie was 11 whiteish pills, identified by online reference as Seroquel 50mg. This is a prescription only drug. Further, there was heroin on a majority of the pills as if it was in the same packaging as heorin. I also removed a portion of a blue latex glove

from the bra. Inside the latex glove was black tar heroin. The heroin later weighed 6.4 grams with the portion of latex. I would approximate the actual usable quantity to be at least 5 grams.

I made contact with Durazo in the booking area. Det Reibschied and I conducted an interview with Durazo, audio recorded with my cellular phone. Durazo was advised of her Miranda Rights, to which she stated she understood. I will summarize the interview.

Durazo stated she had heroin in her bra, and Seroquel. She stated it was not hers, but that it belonged to someone else and she was holding it for her. She stated that it belonged to Lesly Berry. Durazo admitted to providing heroin to several female inmates in exchange for commissary items that she was holding for Berry.

Berry comes in to the jails for 48 hours a weekend as part of a deal on her case. Durazo stated she was willing to call Berry to order more drugs to prove her story. I told Durazo I could not promise her anything, but would tell the prosecutor what had occurred and it could possibly help her out at some point. She stated she understood. At some point in time, I stepped out of the room to speak to jail staff about what I had learned, and to formulate a plan. When I returned, Det Reibschied advised me that Durazo had mentioned wanting to speak to her attorney. She stated she had a paid attorney. She said that she didn't change her mind on calling Berry, but wanted to advise her attorney what was going on.

She asked me to look up her attorney's phone number, saying it was Christopher Scileppi. I found a phone number on the internet, and dialed it from a phone in booking. When I heard the phone ringing, I picked up the receiver and handed it to Durazo. Durazo didn't ask me to leave, and never stated she wanted to speak in private. Durazo spoke to someone I believe to be "Andrew." After a few moments, she told me that they wanted to speak to me. I gave a brief of what had transpired, and said I can not make any deals to Durazo, but can relay the information to the prosecutor that would have this case. I told her Durazo would be charged, and I had no control of not charging her with the severity of the crimes that had occurred. "Andrew" then asked to speak to Durazo. Durazo hung up the phone after about another minute.

2

10/20/13 07:28 #188 P 000/000

***I unintentionally had my cell phone still recording during the phone call with the attorney/attorney's office. The only conversation that was recorded was words iterated by Durazo and I. Nothing that the attorney told Durazo was heard, or recorded. Once I realized that this occurred, I made contact with Terisha Driggs, Cochise County Attorney's Office and advised her of what had occurred.

Durazo contacted Berry on the jail phones. The conversation was mostly in spanish. Durazo asked if Berry could get more "clear and dark eyelashes" and Berry stated she could try. Durazo told Berry she would call again at 1730 to see if she could get it or not. This terminology would be slang for meth (clear) or heroin (dark). Meth and heroin are often called clear/white or dark/black respectively.

At 1740-1830, additional phone calls were attempted to Berry, and Berry didn't answer any of the calls. AT 1900, Berry arrived at the jail for her weekend stay.

Berry was strip searched by jail staff, nothing was located on her person. Det Olmstead and I then conducted an interview with Berry. Berry was advised of her Miranda Rights and she stated she understood them.

Berry was adamant that she didn't bring any drugs into the jail. She said she had a job, a bank account, a house, and goes to school. She has money on her phone account in the jail, and also has put money on a female named Trista Christopher books so that when "store" comes around, Trista can purchase food for the two of them. Commissary isn't sold on the weekends, so that's away to get commissary if you are a weekend commitment.

I saw logic in Berry's story, and decided we needed to interview persons from Central-B (CB).

Det Olmstead and I conducted recorded interviews with 10 females in the pod. The vast majority of the pod stated that Durazo (AKA Chapiz) brought heroin in this week. None of them admitted to getting any from her, even though Durazo stated she gave them heroin. Several of

the females pointed out other females that received heroin, but there is no true consistency in that portion of the stories.

The majority of the females stated that Durazo got out of jail on Monday and got back on Tuesday (approximate days). Basically, she got out for one day to take care of some kind of issue out side of the jail, and reported back to jail. They said that when she came back, she had heroin and pills. A few of the females knew exacdtly how much heroin she had (approximately) in grams. I questioned them about Berry's involvement and not one of the females believed that Berry was involved. The majority of them said that Berry was not the type of person that would do that, stating she wasn't a "druggy." It should be noted that the majority of the females interviewed were drug abusers and are in jail on drug crimes. Further, they stated that Berry got out of jail on Sunday, and just got back today. They stated that the heroin didn't appear in the jail until Wednesday. They said that if the heroin would have been brought in by Berry, it would been distributed earlier and while Berry was still there.

After speaking to the females that were interviewed, decided that the only person that could be charged at this time was Durazo. Nothing else substantiated Durazo's claims to this point. Moreover, Durazo admitted she had heorin and Seroquel. She admitted to distributing it to at least Katarina Kealey, Kelly Wilson, Desiree Romero, Yolanda Egstad (since released) and Susanna Murrieta.

After interviews, Det Olmstead and I logged the evdience into Bisbee Temporary Locker 1.

Durazo was booked into CCSO Jail on the following charges:

ARS 13-3408A1, Possession of Narcotic Drugs, Felony

ARS 13-3408A2, Possession of Narcotic Drugs for Sale, Felony

ARS 13-2505A3, Promoting Prison Contraband/Possess, Felony

ARS 13-2505A2, Promoting Prison Contraband/Convey, Felony

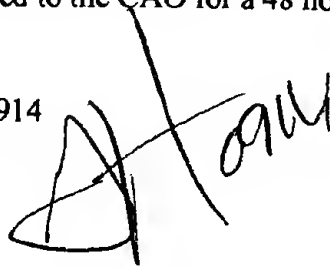
ARS 13-2505A1, Promoting Prison Contraband/Knowingly Taking, Felony

ARS 13-3415A, Possession of Drug Paraphernalia, 3 counts, Felony

This case will be submitted to the CAO for a 48 hour case.

Detective Guy Hudson 0914

CCSO Narcotics

A handwritten signature in black ink, appearing to read 'Guy Hudson', is written over the printed name and title.

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
2 IN AND FOR THE COUNTY OF COCHISE

3 STATE OF ARIZONA,
4
5 Plaintiff,

6 vs.

7 **ELIZABETH DURAZO,**
8 Defendant.

) GRAND JURY NO. 18-0339

) CASE NO. CR2018-00958

) **INDICTMENT**

9 The Grand Jurors of the County of Cochise, in the name of the State of Arizona,
10 and by its authority accuse:

11 **ELIZABETH DURAZO**

12 and charge that in Cochise County:

13 COUNT 1 True Bill

14
15 On or about the 19th day of October, 2018, **ELIZABETH DURAZO** knowingly
16 possessed a narcotic drug for sale, to wit: heroin, in violation of A.R.S. §§13-3408.A.2, 13-
17 3408.B.2, 13-3408.D, F, G, H, 13-3401, 13-701, 13-702, 13-703, 13-708 and 13-821, a class 2
18 felony.

19 COUNT 2 True Bill

20 On or about the 19th day of October, 2018, **ELIZABETH DURAZO** knowingly
21 transported for sale, imported into this state, offered to transport for sale or import into this state,
22 sold, transferred or offered to sell or transfer a narcotic drug, to wit: heroin, in violation of
23 A.R.S. §§13-3408.A.7, 13-3408.B.7, 13-3408.D, F, G, H, 13-3401, 3-701, 13-702, 13-703, 13-
24 708, and 13-821, a class 2 felony.

25 COUNT 3 True Bill

On or about 19th day of October, 2018, **ELIZABETH DURAZO** knowingly possessed a
narcotic drug, to wit: heroin, in violation of A.R.S. §§13-3408.A.1, 13-3408.B.1, 13-3408.D, F,
G, H, 13-3401, 13-701, 13-702, 13-703, 13-708, and 13-821, a class 4 felony.

1C

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COUNT 4 *True Bill*

On or about the 19th day of October, 2018, **ELIZABETH DURAZO**, not otherwise authorized by law, committed promoting prison contraband of a deadly weapon, dangerous instrument, explosive, dangerous drug, narcotic drug or marijuana by knowingly taking contraband into a correctional facility or the grounds of such facility, to wit: heroin, in violation of A.R.S. §§13-2505.A, 13-2501, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-801, a class 2 felony.

COUNT 5 *True Bill*

On or about the 19th day of October, 2018, **ELIZABETH DURAZO**, not otherwise authorized by law, committed promoting prison contraband of a deadly weapon, dangerous instrument, explosive, dangerous drug, narcotic drug or marijuana by knowingly conveyed contraband to any person confined in a correctional facility, to wit: heroin, in violation of A.R.S. §§13-2505.A, 13-2501, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-801, a class 2 felony.

COUNT 6 *True Bill*

On or about the 19th day of October, 2018, **ELIZABETH DURAZO**, not otherwise authorized by law, committed promoting prison contraband of a deadly weapon, dangerous instrument, explosive, dangerous drug, narcotic drug or marijuana by knowingly making, obtaining or possessing contraband while being confined in a correctional facility or while being lawfully transported or moved incident to correctional facility confinement, to wit: heroin, in violation of A.R.S. §§13-2505.A, 13-2501, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-801, a class 2 felony.

COUNT 7 *True Bill*

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug, to wit: bra, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-821, a class 6 felony.

COUNT 8 *True Bill*

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug, to wit: plastic baggie containing pills and heroin residue, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-821, a class 6 felony.

1B

COUNT 9

True Bill

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** committed possession of drug paraphernalia by knowingly using, or possessing with the intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a drug, to wit: latex glove containing heroin, in violation of A.R.S. §§13-3415.A, 13-3401, 13-105, 13-701, 13-702, 13-703, 13-708, and 13-821, a class 6 felony.

COUNT 10

True Bill

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** knowingly possessed or used a prescription-only drug without a valid prescription of a prescriber who is licensed, to wit: Seroquel, in violation of A.R.S. §§13-3406.A.1, 13-3406.B.3, 13-3406, 13-3401, 13-105, 13-701, 13-703, 13-707, 13-708, 13-802, and 13-804.01, a class 1 misdemeanor.

COUNT 11

No Bill

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** knowingly possessed a prescription-only drug for sale, to wit: Seroquel, in violation of A.R.S. §§13-3406.A.2, 13-3406.B.2, 13-3406.C, D, E, F, 13-3401, 13-105, 13-701, 13-702, 13-703, 13-708, 13-801, and 13-804.01, a class 6 felony.

COUNT 12

No Bill

On or about the 19th day of October, 2018, **ELIZABETH DURAZO** knowingly offered to sell, sell, transfer or offer to sell or transfer a prescription-only drug and was unauthorized to do so, to wit: Seroquel, in violation of A.R.S. §§13-3406.A.7, 13-3406.B.2, 13-3406.C, D, E, F, 13-3401, 13-105, 13-701, 13-702, 13-703, 13-708, 13-801, and 13-804.01, a class 6 felony.

DATED this 25th day of October, 2018.

COCHISE COUNTY ATTORNEY

True Bill x10

BY:

Terisha Driggs
Terisha Driggs
Deputy County Attorney

Clarence H. H. H.
Clarence H. H. H.
Foreperson of the Grand Jury

/ac